

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAMUEL WILLIAM MAINES,)	
ID # 44442-177,)	
Movant,)	
)	No. 3:13-CV-4631-B-BH
vs.)	No. 3:12-CR-151-B
)	
UNITED STATES OF AMERICA,)	
Respondent.)	Referred to U.S. Magistrate Judge ¹

RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the movant's *Updated Motion to Proceed Informa Pauperis* on appeal, received on December 8, 2020 (doc. 88). Based on the updated motion, the original Motion to Proceed *in Forma Pauperis* on appeal, received November 30, 2020 (doc. 86), is **DEEMED MOOT**.

- (X) The updated request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on September 28, 2020 (doc. 75), and the order filed in this case on October 23, 2020 (doc. 80).

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SO RECOMMENDED this 11th day of December, 2020.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹Under Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.